

## REMARKS

Claims 7-10 and 13-16 are pending in the current application and are subject to further examination. Claims 7-10 and 15-16 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter, and claims 7-10 and 13-16 are rejected under 35 U.S.C. § 103(a) for obviousness.

### Claim amendments

Claims 7, 15, and 16 were amended to include the term “physically partnering.” Support for these amendments can be found, for example, in the originally filed claim 1, step (a) (“assembling and/or defining a population of human participants, physically and/or virtually, to be matched . . .”).

Claims 7, 8, 10, and 13-16 are amended to replace the term “individuals” with “humans.” Support for this amendment can be found, for example, in originally filed claim 1, line 1.

### Rejection under 35 U.S.C. § 101

Claims 7-10 and 15-16 were rejected under 35 U.S.C. § 101 as being drawn to non-statutory subject matter. The Examiner states “. . . the result of the method is not tangible because it is not an output (i.e., to a user or in a user accessible form), but may remain *in silico* and only accessible to other computers.” Applicant has amended the final step of claim 7 to require a step of physically partnering the matched humans. Physical partnering can only be achieved by providing a tangible result to the individuals, and cannot be accomplished entirely within a computer. Because the claimed method requires a tangible result, it is eligible for

patenting under 35 U.S.C. § 101 and this rejection should therefore be withdrawn.

Rejections under 35 U.S.C. § 103(a)

Claims 7, 8, 13, and 14 were rejected under 35 U.S.C. § 103(a) for obviousness over Jacob et al., *Nature Genetics* 30:175-179, 2002, in view of Copley, *New Scientist* 171:15, 2001. Claims 9, 10, 15, and 16 were rejected for obviousness over the above-listed references, in further view of Wedekind et al., *Proc. R. Soc. London B* 260:245-249, 1995.

The Examiner states “. . . Jacob et al. illustrates matching and partnering of the smellers to the donors (steps 3 and 4 of claim 7). However, Jacob et al. does not teach partnering at least one pair of profile matched individuals into a social or potentially sexual group in a dating service.” The Examiner further states that Copley teaches “. . . an electronic nose (an “E-nose”) that classifies the scents based on MHC codes to further understand how rodents mate based on scents. In this instance, each rodent is an individual and E-nose is the dating service.” The Examiner notes that Copley is relevant to the previously presented claims because the claim term “individuals” encompasses rodents. While not conceding that the previously presented claims would have been obvious over Jacob and Copley, Applicant has amended the claims to recite “humans” in order to expedite prosecution. Because none of the cited references teach or suggest physically partnering at least one pair of profile matched humans, this rejection for obviousness should be withdrawn.

Claims 9, 10, 15, and 16 were rejected for obviousness over Jacob and Copley in further view of Wedekind (*Proc. R. Soc. London B* 260:245-249, 1995). The Examiner cites Wedekind for both teaching the use of the DRB1 gene in the matching process as well as for teaching “other

processes.” However neither Wedekind, nor Copley or Jacob, teach or suggest partnering at least one pair of profile matched humans into a social or potentially sexual group in a dating service, as recited in the currently amended claims. Therefore, it would not have been obvious to one skilled in the art at the time of filing to match humans a dating service based on their MHC profiles. The rejection of claims 9, 10, 15, and 16 for obviousness should be withdrawn.

## CONCLUSION

Applicant submits that the claims are in condition for allowance, and such action is respectfully requested. If there are any charges not covered or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

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